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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/108,506	07/01/1998	HIDEKI YASUKAWA	041-2021	2506

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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 09/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/108,506

Applicant(s)

YASUKAWA ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-18 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-9,12-18 and 20-32 is/are allowed.
- 6) ☒ Claim(s) 11 and 31 is/are rejected.
- 7) ☒ Claim(s) 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura et al. (U.S. Patent No. 6,005,601) in view of Hoarty (U.S. Patent No. 6,100,883).

Referring to claim 11, Ohkura discloses a program information storage means for storing program information (see Column 5, Lines 17-21).

Ohkura also discloses a program table display means comprising a display having at least two dimensions defined by designation of at least two-axes attributes, wherein the attributes are selected from among all program information attributes, and at least two such attributes are used for two axes of a program table (see Column 5, Lines 21-25 and Figure 5).

Ohkura also discloses an attribute input means adapted to input attributes of two axes used for two-dimensionally displaying the program table (see Column 5, Lines 56-59).

Ohkura also discloses program table making means for retrieving program information from program information stored in the program information storage means on the basis of said input attributes to make the program table, said program

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information display means displaying the program table created by the program table making means (see again Column 5, Lines 17-25).

Ohkura also discloses a means to select three-axis attributes of the program table by a user (see again Column 5, Lines 56-59 and also Column 6, Lines 6-10 for inputting and X, Y, and Z selection using a remote control).

Ohkura fails to disclose displaying the EPG as a three dimensional shape. Hoarty teaches a three-dimensional shaped EPG used to display program choices after selecting multiple search attributes (see Column 18, Lines 63-67 and Column 19, Lines 1-19 and 24-43). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the two-dimensional EPG, as taught by Ohkura, by utilizing the three-dimensional shaped EPG, as taught by Hoarty, for the purpose of providing a more aesthetic and efficient menu for the user to make programming selections.

Claim 31 corresponds to claim 11, with the additional limitation of the programming information including an index for retrieving a program (see EPG database 22A at Column 5, Lines 17-25 of Ohkura), transmitting or receiving program information (see Column 5, Lines 7-16 of Ohkura). Ohkura fails to teach maintaining a user attribute, which is adapted to retrieve the program information including the index for retrieving a program on the basis of the user attribute, at the receiver side.

The examiner takes Official Notice that it is well known for a set-top <sup>box</sup> to retrieve user specified program information on an EPG in accordance with his/her user profile. At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art, to modify Ohkura to include a memory to store a user profile, with his or her preference programming, for the purpose of preventing time consuming navigation through the EPG for preferred programming.

***Allowable Subject Matter***

2. Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Claims 1, 3-9, 12-18, 20-30 and 32 are allowed.


***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

August 22, 2003

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600